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GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 1653|60|Law (B)4.

Dated, Trivandrum, 11th April 1960|Chaitra 22, 1882.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill is passed by the Legislative Assembly received the assent of the President on the 9th day of April, 1960.

By order of the Governor,
P. NARAYANASWAMI,
Law Secretary.

ACT 5 OF 1960

THE KERALA STAY OF EVICTION PROCEEDINGS (AMENDMENT) ACT, 1960

An Act further to amend the Kerala Stay of Eviction Proceedings Act, 1957.

Preamble.—WHEREAS it is expedient further to amend the Kerala Stay of Eviction Proceedings Act, 1957, for the purposes hereinafter appearing;

BE it enacted in the Eleventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Stay of Eviction Proceedings (Amendment) Act, 1960.

(2) It shall come into force at once.

2. *Amendment of section 1.*—In sub-section (3) of section 1 of the Kerala Stay of Eviction Proceedings Act, 1957 (Act 1 of 1957), hereinafter referred to as the principal Act, for the words, figures and letters "the 11th day of April, 1960", the words, figures and letters "the 11th day of October, 1960" shall be substituted.

3. *Amendment of section 2.*—In section 2 of the principal Act, for clause (1), the following clause shall be substituted, namely:—

"(1) "holding",—

(a) in relation to any immovable property situated in any part of the State where the Malabar Tenancy Act, 1929, is in force, shall have the meaning assigned to

it in that Act and shall also include any immovable property in the possession or occupation of a person *bona fide* believing himself to be a lessee or sub-lessee for a continuous period of not less than two years immediately before the 11th day of April, 1957 and which continued to be in his possession or occupation up to the 22nd day of February, 1960;

(b) in relation to any immovable property situated in any part of the taluk of Kasargod or Hosdurg where the Malabar Tenancy Act, 1929, is not in force, shall have the meaning assigned to it in the Madras Cultivating Tenants Protection Act, 1955; and

(c) in relation to any immovable property situated in any other part of the State, shall mean any immovable property held under a single transaction by which a leasehold right in the property is created and possession of the property is transferred by one person in favour of another and includes kanapattom;".

4. *Insertion of new section 4A.*—After section 4 of the principal Act, the following section shall be inserted, namely:—

"4A. *Restoration of certain persons to possession or occupation.*—(1) Where, after the 22nd day of February, 1960, and before the commencement of the Kerala Stay of Eviction Proceedings (Amendment) Act, 1960, any person has been evicted from his holding situated in any part of the State where the Malabar Tenancy Act, 1929, is in force, in execution of a decree or order passed by a court and such decree or order would not have been passed if the said (Amendment) Act, 1960, had been in force at the time, the person so evicted shall be entitled to be restored to the possession or occupation of such holding with all the rights and subject to all the liabilities to which he was entitled or liable immediately before such eviction, if he makes an application in that behalf to the court which passed the decree or order within thirty days from the commencement of the said (Amendment) Act, 1960:

Provided that before such restoration is effected the applicant shall be bound to return or pay to the person who evicted him—

(i) the value, if any, paid by such person to the applicant for improvements;

(ii) the value of improvements, if any, effected *bona fide* by such person between the date on which he obtained possession of the holding and the date on which possession or occupation thereof is restored to the applicant.

(2) Nothing contained in this section shall affect the rights of a *bona fide* transferee from the person who evicted.".

Kerala Gazette Extraordinary No. 36, dated 11-4-1960.

GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 2174|60|Law(B)4.

Dated, Trivandrum, 11th April 1960|Chaitra 22, 1882.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 8th day of April, 1960.

By order of the Governor,
P. NARAYANASWAMI,
Law Secretary.

ACT 6 OF 1960

THE KERALA STATE HANDLOOM WEAVERS' CO-OPERATIVE SOCIETY (SPECIAL PROVISIONS) ACT, 1960

An Act to make special provisions for the formation of the Kerala State Handloom Weavers' Co-operative Society.

Preamble.—WHEREAS it is deemed necessary to make special provisions for the formation of the Kerala State Handloom Weavers' Co-operative Society;

BE it enacted in the Eleventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala State Handloom Weavers' Co-operative Society (Special Provisions) Act, 1960.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) "Madras Act" means the Madras Co-operative Societies Act, 1932, as in force in Malabar;

(2) "Malabar" means the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956);

(3) "Travancore-Cochin Act" means the Travancore-Cochin Co-operative Societies Act, 1951;

(4) "Kozhikode Society" means the Kerala Handloom Weavers' Co-operative Society, Limited, No. 142, Kozhikode;

(5) "Trichur Society" means the Cochin Central Co-operative Cottage Industries Marketing Society, Limited, No. 401, Trichur;

(6) "Trivandrum Society" means the Travancore Sreemoolam Handloom Weavers' Central Co-operative Society, Limited, No. 508, Trivandrum;

(7) "Registrar" means the Registrar of Co-operative Societies appointed under section 3 of the Travancore-Cochin Act;

(8) "State" means the State of Kerala.

3. *Formation of the Kerala State Handloom Weavers' Co-operative Society.*—Notwithstanding anything to the contrary contained in the Madras Act or the Travancore-Cochin Act,—

(1) where the Trichur Society divides itself into a handloom weavers' co-operative society and one or more other co-operative society or societies, and the Trivandrum Society is reconstituted or reorganised under section 5A of the Multi-Unit Co-operative Societies Act, 1942 (Central Act 6 of 1942), then it shall be lawful for—

(i) the handloom weavers' co-operative society formed by the division of the Trichur Society;

(ii) the co-operative society formed by the reconstitution or reorganisation of the Trivandrum Society and functioning in the State; and

(iii) the Kozhikode Society,

to amalgamate as a single co-operative society in accordance with the procedure specified in sub-section (1) of Section 16 of the Travancore-Cochin Act, and for the purpose of such amalgamation the Kozhikode Society shall be deemed to be a co-operative society registered under the Travancore-Cochin Act;

(2) if for any reason the amalgamation of the three societies aforesaid does not take place within three months of the commencement of this Act or within such further time as may be allowed by the Registrar in this behalf and the Registrar is of opinion that the amalgamation of the three societies is necessary or desirable for increasing their strength or usefulness, he may, after consulting, in the manner prescribed by rules made by the Government, the financing banks to which the societies are indebted, call upon such societies to amalgamate within such time as may be specified by him into one co-operative society in accordance with the procedure specified in sub-section (1) of section 16 of the Travancore-Cochin Act:

(3) if the societies fail to amalgamate into one society within the time specified by the Registrar, he may, after giving an opportunity to the Committee of each of the societies to state its objections, if any, direct the amalgamation of the societies into one society and thereupon the provisions of clauses (iii) to (vii), both inclusive, of sub-section (1A) of section 16 of the Travancore-Cochin Act shall apply in respect of the amalgamation of the said societies:

Provided that the first bye-laws of the co-operative society formed by the amalgamation of the three societies in pursuance of this clause shall be made by the Registrar and he shall forward a copy of the said bye-laws to the committee of each of the societies when giving it opportunity under this clause to state its objections, if any, in regard to the proposed amalgamation;

(4) the co-operative society formed by the amalgamation of the three co-operative societies in pursuance of clause (1), clause (2) or clause (3) shall be registered as a co-operative society under the Travancore-Cochin Act and it shall be called the Kerala State Handloom Weavers' Co-operative Society, hereinafter referred to as the Apex society;

(5) the area of operation of the Apex society shall be the whole State;

(6) any handloom weavers' co-operative society registered or deemed to be registered under the Madras Act and having its area of operation in Malabar shall be entitled to become a member of the Apex society in accordance with and subject to the provisions of the Travancore-Cochin Act, the rules made thereunder and the bye-laws of the Apex society, as if such handloom weavers' co-operative society were a co-operative society registered under the Travancore-Cochin Act;

(7) where a handloom weavers' co-operative society registered or deemed to be registered under the Madras Act becomes a member of the Apex society, whether consequent on the amalgamation or under clause (6), the rights and liabilities of that member society as such member and the rights and liabilities of the Apex society in its relation to such member society, shall be governed by the provisions of the Travancore-Cochin Act, the rules made thereunder and the bye-laws of the Apex society;

and for the purposes aforesaid the Travancore-Cochin Act shall be deemed to extend to the whole State.

4. *Provisions of the Madras Act to govern in certain matters.*—Save as otherwise provided in section 3, the rights and liabilities of a society registered or deemed to be registered under the Madras Act, which has become a member of the Apex society, whether consequent on the amalgamation or under

clause (6) of section 3, shall continue to be governed by the provisions of the Madras Act, the rules made thereunder and the bye-laws of that society.

5. *Power to make rules for facilitating amalgamation.*—(1) The Government may, by notification in the Gazette, make rules providing for such incidental, consequential or supplementary matters as in their opinion are necessary for fully and effectually carrying out the purposes of this Act.

(2) All rules made under this Act shall be laid for not less than seven days before the Legislative Assembly, as soon as possible after they are made and shall be subject to such modifications, whether by way of repeal or amendment, as the Legislative Assembly may make during the Session in which they are so laid or the Session immediately following.

6. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, do anything, not inconsistent with such provisions, which appears to them to be necessary for the purpose of removing the difficulty.